App F IX 4

preserve

1924.

File No. 144-24

Previous References
ne 172-12 R 2, 13 2 15
4/42-10 R8 ,

(me)

Serial Nos 18

Later References

General and Revenue Secretariat.

Serial Nos

Part B for

SUBJECT

Certain Amendments to Municipal Regulation (Municipal Institution on Palace Green) deeds

Notes

No 21
R A
L C
E C

[To be use

ಫಸ್ಟ್‌ಗ್ರೇಡ್ ಪ್ಲೀಡರ್
ಬಿ ನರಸಿಂಗರಾಯರು

D O

971

OFFICE OF THE
23 JAN
LEGISLATIVE
ECONOMIC CONFERENCE

Mysore
Bangalore
22 Jany 1926

Mr 144-WCD

Dear Mr Runga Rao.

With reference to my D.O dated 3rd instant requesting you to supply me with copies of Govt. orders referred to in the Column of reasons in re the amendment of Sec 89 of the Municipal Regulation inserting therein clauses b & c, I regret to state that you have not been pleased to comply with my request. I presume, that in the pressure of business, my D O seems to have escaped your kind attention.

I should feel obliged, if you can send them to me at your earliest convenience.

Thanking you in advance,

Yours sincerely,

Narasinga Rao

Where is this — today's Mail

RG
23/1

1926

and

approved, this could also be passed on draft to Narasinga Rao acknowledging receipt etc noted for approval or other orders

Subd
23/1/26

Yes
RG
23/1

9554
RG
23/1

B G no 3577 dated 23rd Jan

(illegible)

N B—Should routine notes be written on small slips the notes must be copied or slips pasted on this form.

WD 2296—GPB—5 000—21 8 24

To The P to S of Branch

for the Compliments

The file was returned to-day with a note by the A-S

RG 25/1/26

1/26

No 23

SUBJECT

Diary No of letter replied to

R A
L C
E C

( )

192

Date of issue 23-1-26

D^S 895 dated 4 1 26
971 dated 23 1 26

File No

Serial No

Da No 3577

To

Dear Mr Narasinga Rao,

I am acknowledging receipt of your communications dated the 3rd ~~January~~ & 22nd January 1926 respectively, I am ~~and~~ write to inform you that both the communications have been passed on to the Board and the Legislative Secretary for favour of necessary action and trust that you will hear from him. Copies of the papers required by you are not available in this office

Yours Sincerely

RT
23/1

WP 2238 GPB— 000 20 8.24

over

B Narasinga Rao Esq
M L C
Guntur

List of enclosures

Copied by

Examined by

B NARASINGA RAO

FIRST GRADE PLEADER

MEMBER LEGISLATIVE COUNCIL

Mysore,
10th Feb 1926

8-A
12/2

To,
B Nagappa, Esqr Bar-at-Law
Secretary
Local and Legislature Department
Bangalore

Sir,

With reference to my letter dated 31st Jan 1926 requesting you to send me a copy of the Government orders referred to in the last Column of the Select Committee Report on the Municipal Regulation Amendment Bill Clause 12 III b i and ii, I regret I have received neither the Govt orders nor even an acknowledgment of the receipt of my letter I am therefore obliged to request you to send me immediately the copies of the Government orders relating to the subject, and if you are not pleased to do so, at least a reply to that effect.

I have the honour to be
Sir
Your most obedient Servant
B Narasinga Rao

ಫಸ್ಟ್‌ಗ್ರೇಡ್ ಪ್ಲೀಡರ್
ಬಿ ನರಸಿಂಗರಾಯರು

Mysore.
ತಾ||—4 ‘-/-- —1926

895

OFFICE OF THE SECRETARY
4 JAN 1926
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

Dear Mr Ranga Rao.

In re amendment of the Municipal Regulation, in the tabular statement accompanying the alleged Select Committee report, (published in the Gazette dated 17th Dec.) I find it stated, in the column of reasons for the changes that the provisos to Sec. 59 (b) & (c) have — been modified in accordance with Govt orders passed in that connection.

I should feel obliged, if you will kindly favor me with the copies of Govt orders relating thereto.

Thanking you in anticipation

yours sincerely

Bharamigappa

It is informally ascertained that there are no proviso to cl (b) of the contract if approved, the Letter will be sent to the Asst Secy, Protection Branch for putting up the originals for perusal being taken out & sent to W Narasinga Rao

Subd

The original Coll[n] of papers has been furnished by W D Sitaramaiya o/d S.G Br Please see flag Z Pl- is for orders whether a copy of the reply should be sent, and if so whether the Chief Secy's permission is necessary.

4.1.26

4-1-26

WD 0.264—GPB—40 000—17 12-25

R A 22]
L C
E C

SUBJECT

File No of 192

Serial No

The refce Red up is not a G.O but instructions issued & ofly. Perhaps there is a formal G.O The letter may th acceptance of the L T G

Need of course not be sent.

Rg 1.

Rg
4/1

To the A-S.G. Br with compts.

GR
4-1-25 — mr DS

K 7/1

DS
7/1

sent for orders. No formal G O has been issued in the matter A copy of the instructions sent to the Presidency of matters can not be sent to Mr Narasinga Rao

DS
8/1/25

Recd 3-45 pm 8/1/25

D

- The only GO on the point is GO No 3274-93 / Jud 172-12-1 of 4th Nov 1912 & the instructions issued are supposed to be an interpretation of the GO. As regards the exemption in favour of H. H. the Zemindar, the Regulation was amended.

Mr Cooke may The instructions issued may not be made public & giving a copy to Mr Narainga Rao particularly as they

NOTL—Contn sheet

WD 2297 -GPB- 5 000—16 8 24

Serial No

A

are not quite consistent with the G.O. Should there not be suppressed to interpret case — 257

1 (Secy)

I agree that d o corresp^ce cannot

Please send this with papers

I dd Secy with Compts

Ruled forms if the reply is to issue from me L.Sec^y for

Ch Secy

may be issued from L.Sec^y

685.3 / 3/2

This raises an important Constitutional issue. The Draft amendment exempting certain Palace properties from municipal taxation proposed to be put before the Legis Council, but when a Member asks for Copies of the G.Os instituting this practice, he proposed to send him a reply that Copies of G.O. cannot be given. What he wants is Copies of G.O. This is asking for unnecessary work. The Hon'ble Secretary (Mr Gann) has put up a note A which is not clear to me (1). I shall be glad to have it explained further, & whether the power was made clear by him in Select Committee stage. What I recollect

acc^g to Exec^e order

NOTE—Contn Sheet

— that the DO were read to
the Comtee Confly, as also the GO & that
the form of reason for the reason
was that adopted by the Committee
Noting by Asst Secretary case shd be fully & remarks
Criticism Govt in no way shd not be made.
(2) I shall be glad if
L.L. Secy will please study
the Question & put up a
non-Controversial Note giving (Carefully Guarded)
the history & what occurred in
Select Cote, wh. might be
sent to the Rao Comtee
be the a Copy of the GO (or Extract)
Wh is not a Confl document
(4 in the ~~this~~ a fuller note Explg A by Mr Gamn as to
any mistake made shd be
made clear by L.L. Secy, Hen

3/11/42
P.

Dc
4/2/26

4/2/26

Kind attention is invited to flags D & Z in this connection. The GO of the Nov 1912 (flag D) as well as the DO (flag Z) were confidentially read in the Select Committee, and the amendment with the reasons therefor was approved by the Committee

As to A, I submit that I failed at the inconsistency between flags D & Z, merely as a reason for withholding the grant of copies asked for by Mr. Narasinga Rau, in order that he may not enhance the interpretation given in flag D as quite contrary in certain respects to what is expressly stated in the GO flag D The GO (flag D) says that the special Sanitary Cess & water-rate are leviable in the case of Palace buildings, while the DO (flag Z) wants the President not to construe that GO (flag D) as exempting Palace buildings from all taxes, including the water-rate, Special Sanitary Cess It would not therefore do to given Copies of even the GO, to Mr Narasinga Rau, who may then challenge the instructions issued The aspect of the case, then necessary to bring out at A as a reason for declining to give Copies.

Ld Secy

cas
4/2

GRS III—3]

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

I have carefully studied the point raised

The facts are briefly these

In G O dated 4th Novr 1912 it is clearly laid down that no tax other than a Special Sanitary Cess or a water rate can be imposed in respect of buildings let or used for the occupation of H H etc—

This is in conformity with the Statute. [vide also proviso (a) & Sec 59 of the Municipal Regn + Flag B]

In G O dated 13th Oct 1915 the Govt interpreted G O of 4.11.1912 to mean that all Palace-owned buildings let or used for the occupation of H H should be exempt from the payment of all municipal taxes including water rate & the Special Sanitary Cess, if any. [vide Flag Z] & consequently passed usual instructions not to collect any municipal taxes.

N B —Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

GRS III—3]

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

These instructions are, I submit contrary to the main provisions of Sec 59. proviso(a)

These orders were confidentially mentioned to the members of the Select Committee

They agreed to the amendments proposed in cl (6) (c) of the Bill & gave as reason that these are in accordance with the practice obtaining now & with the Govt orders

The B Narasinga Rao who expressed his unwillingness to serve on the Select Committee & did not attend, Requests that copies of these Govt orders be furnished to him

He took his attitude seem to be to criticise G.O & attack the practice as being illegal

NB—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

GRS III—3]

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

From the Correspondence & the Council Resolution recorded in File 112-12 of 1915, Flag Q it is clear that action taken by the Govt Rep was ordered Contemplated by the effect of the instructions conveyed in G. O of 1915 (Flag Z) & that apparently no action seems to have been taken till now

As we have taken action by amending Proviso (a) to Sec 5 of now & as there is no question of interpretation, Letter by Mr Narasinga Rao, asking for the Copies of these papers with a view to show the practice to be illegal, has regarding blankets for the papers & at the State, may perhaps be refused under Rule 26 of Rules for the Conduct of business &c — [see page 53 of Manual Vol II]

Offg Sec
Dewan
The Govt

Sd
15/2

The amendment is also

B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

5724 5059

3 R S III—3]

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

Pleasure from was adopted by the Select Committee after the detailed Official Answer was Conf'g read to them and further discussion, and Suggestion that the Answer may be shewn to Sir Ramanika Rao also Conf'g to the 22 Secs. & the facts explained, when he comes to the Minute of before the Bill is taken up. If he has a remark, he may perhaps be so informed

7160/1572

Lee 15/2

Sd 15/2

Secy

Please see Mr

Please call the Reply is by Telegram after Sir Lesli has left all.

WD 17

Sd 16/2

7228 17/2

Sd 17 2

Please attach to Files

Lee 16/2

Sd 17

NB—Should routine notes be written on small slips the notes must be copied on to slips pasted on this form

Sd 19

Here file was shown to Mr Karasinga Rao by Mr Gamm

SD 1/3/26

D° 139

Urgent

1223

The Palace,

Mysore 8th September 1925.

Dear Mr. Nagappa,

I am desired to invite reference to the bill further to amend the Mysore Municipal Regulation VII of 1906 which was published in the Mysore Gazette of 26th March 1925 and to state that Section 59 of the Regulation is proposed to be amended, in the bill as follows:- (Vide Clause 11 of the bill)

11. (2) x x x x x x

(iv) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja.

(v) any vehicle, animal, or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja; and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty, or the passage or conveyance of any person or property in their custody "

This proposed amendement does not in any manner remove the doubt which was found to exist as to whether Palace-owned buildings other than those set apart for the occupation of His Highness the Maharaja are exempt from Municipal Taxation or not; nor does it exempt all Palace-owned buildings from the legal liability to pay water rate or Special Sanitary Cess. In this connection, I am to invite your attention to Mr. Raghavendra Rao's D.O.letter No. 258 dated the 20th September 1912 to the Private Secretary to the Dewan and also to Mr Mirza M Ismail's D.O.letter No.236 dated the 29th July 1915 to the then Revenue Secretary -- giving definite instructions that " all Palace owned buildings intended for the occupation of His Highness the Maharaja or for the location of the several establishments of His Highness should be exempt from the payment of all Municipal taxes including the water-rate and the Special Sanitary Cess. In

P. B.

Examine the constitutionality of
the amendment proposed to
bring it before the Select Committee

In other words no taxes of any kind should be levied on these buildings" (para 3 of Mr Mirza's D O letter of 29th July 1915)

It is not clear why no action was taken till now to amend the Municipal Regulation accordingly and why even the present consolidated bill does not include any amendment of section 59 to give effect to the instructions contained in the letter referred to above. It is probably due to over-sight and I am now to request that necessary action may kind-ly be taken in the matter so that the opportunity afforded by the introduction of the present bill in the Legislative Council may not be lost. To facilitate the consideration of the question, I send herewith a draft amendment to Section 59 embodying the exemption of Palace-owned buildings a n d properties in an additional proviso

Yours sincerely,

J D Mayagopack

11 - (1) x x x x

(2) For proviso (a) to Section 59, the following shall be substituted -

(a) No tax imposed as aforesaid, other than a special Sanitary Cess or water rate shall, without the express con-sent of Government, be leviable in respect of -

(i) Any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit,

(ii) Any vehicle, animal or other property belonging to Government and used solely for public purposes, and not used or intended to be used for purposes of profit,

(iii) Any building or part of a building ~~ordinarily~~ used as a place of public worship or used for charitable ~~but not residential~~ purposes,

(b) ~~(aa)~~ No toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or the passage of Military or Police Officers on duty, or the passage or conveyance of any person or property in their custody,

(c) ~~(b)~~ No tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building belonging to His Highness the Maharaja or His Highness the Yuvaraja or in respect of any vehicle, animal or other property be-longing to His Highness the Maharaja or His Highness the Yuvaraja, and no toll shall be leviable for the passage or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja

SPN

8 9 25

WD 01264—GPB—40 000 -17 12-25

General and Revenue Secretariat | File No | of 192

Serial No

The Select Committee have amended proviso (a) of Section 59 of the Municipal Regulation as noted below and this has been approved by the Legislative Council at the meeting held in March 1926 -

Amendment of Section 59

12 (1) After clause (x) of section 59 of the Regulation, the following new clause (xi) shall be inserted the present clauses (xi) and (xii) being re numbered as (xii) and (xiii) respectively —

(xi) a tax on shops [and other places] where [a] business [or profession] is carried on for [purpose] of profit payable half yearly by the person or persons engaged in the business [or profession] at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned

Provided that where a Municipal Council elects to levy a tax under this clause the person or persons paying the tax shall not be called upon to pay a tax on professions trades and callings under clause (x) in respect of the business [or profession] carried on in the shop [or place]

Amendment of proviso (a) to Section 59

(2) [In the proviso to the same section the following clauses shall be substituted for clause (a) the present clauses (aa) (b) and (c) being re numbered as (d) (e) and (f) respectively] —

(a) no tax imposed as aforesaid other than a special Sanitary cess or water rate shall without the express consent of Government be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit,

(ii) any vehicle animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit

(iii) any building or part of a building used as a place of public worship or used for [a] charitable [purpose]

[(b) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja or in respect of any vehicle animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja]

[(ii) in respect of all other buildings owned by the Palace and used as rent free residences no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water rate if any which shall be recoverable from the occupants thereof]

[(c) no toll shall be leviable for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the conveyance of any person or property in their custody]

NOTE—Contn Sheet

General and Revenue Secretariat | File No | of 192

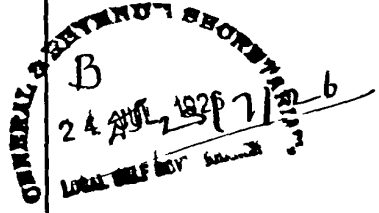
Serial No

Z

In support of the amendment, the Select Committee has stated that it is in accordance with the Government orders passed in the connection - and that the clauses in the Bill do not correctly represent the practice and are therefore modified The amendment made is in accordance -- with the instructions issued to the President of the Mysore City Municipal Council in Revenue Secretary's D O No 3010/M1 172-12-15, dated the 13th October 1915 ~~No further action seems to be called for in the matter~~

11/3/26

7944/13/3



Note—Contn Sheet